

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	No.
)	
v.)	Violations: Title 18, United States
)	Code, Sections 922(g)(1) and
MITCHELL DWAYNE SIMMONS)	924(c)(1)(A), and Title 21, United
)	States Code, Sections 841(a)(1) and
)	851

COUNT ONE

The SPECIAL JANUARY 2019 GRAND JURY charges:

On or about December 28, 2019, at Chicago, in the Northern District of Illinois,
Eastern Division,

MITCHELL DWAYNE SIMMONS,

defendant herein, knowing that he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess, in and affecting interstate commerce, a firearm, namely a loaded Anderson Manufacturing model AM-15 5.56mm assault rifle, bearing serial number 16046654, and a loaded Ruger model LC9 9mm pistol, bearing serial number 320-59316, which firearm had traveled in interstate commerce prior to defendant's possession of the firearm;

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT TWO

The SPECIAL JANUARY 2019 GRAND JURY further charges:

1. On or about December 28, 2019, at Chicago, in the Northern District of Illinois, Eastern Division,

MITCHELL DWAYNE SIMMONS,

defendant herein, did knowingly and intentionally possess with intent to distribute a controlled substance, namely, 100 grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, 40 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]propanamide (fentanyl), a Schedule II Controlled Substance, and a quantity of a mixture and substance containing a detectable amount of marijuana, a Schedule I Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

2. Before SIMMONS committed the offense charged in this count, SIMMONS had a final conviction for a serious drug felony, namely, a conviction in Case No. 4:13-cr-40056-001 (United States District Court for the Central District of Illinois) for distribution of crack cocaine, in violation of 21 U.S.C. § 841(a)(1), for which he served more than 12 months' imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

COUNT THREE

The SPECIAL JANUARY 2019 GRAND JURY further charges:

On or about December 28, 2019, at Chicago, in the Northern District of Illinois,
Eastern Division,

MITCHELL DWAYNE SIMMONS,

defendant herein, did knowingly possess a firearm, namely, a loaded Anderson Manufacturing model AM-15 5.56mm assault rifle, bearing serial number 16046654, and a loaded Ruger model LC9 9mm pistol, bearing serial number 320-59316, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841, as charged in Count Two of this Indictment;

In violation of Title 18, United States Code, Section 924(c)(1)(A).

FORFEITURE ALLEGATION

The SPECIAL JANUARY 2019 GRAND JURY further alleges:

1. Upon conviction of an offense in violation of Title 18, United States Code, Section 922(g), as set forth in this Indictment, defendant shall forfeit to the United States of America any firearm and ammunition involved in and used in the offense, as provided in Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

2. The property to be forfeited includes, but is not limited to, an Anderson Manufacturing model AM-15 5.56mm assault rifle, bearing serial number 16046654, and a Ruger model LC9 9mm pistol, bearing serial number 320-59316, and associated ammunition.

3. In addition, upon conviction of an offense in violation of Title 21, United States Code, Section 841, as set forth in this Indictment, defendant shall forfeit to the United States of America any property used, and intended to be used, in any manner and part, to commit and to facilitate commission of the offense, as provided in Title 21, United States Code, Section 853(a)(2).

4. The property to be forfeited includes, but is not limited to, approximately \$640 seized by law enforcement on December 28, 2019 from defendant's residence.

5. If any of the property described above, as a result of any act or omission by a defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the

jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property, as provided in Title 21, United States Code Section 853(p).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY